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SHUMAKER & SIEFFERT, P.A  
1625 RADIO DRIVE, SUITE 100  
WOODBURY, MN 55125

EXAMINER
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KOHARSKI, CHRISTOPHER

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ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* GABRIELA C. MOLNAR and  
SCOTT R. STANSLASKI

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Appeal 2015-004297  
Application 12/873,964  
Technology Center 3700

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Before LYNNE H. BROWNE, ERIC C. JESCHKE, and  
GORDON D. KINDER, *Administrative Patent Judges*.

BROWNE, *Administrative Patent Judge*.

DECISION ON REQUEST FOR REHEARING

STATEMENT OF THE CASE

Gabriela C. Molnar and Scott R. Stanslaski (Appellants) filed a request for rehearing under 37 C.F.R. § 41.52 (hereinafter “Request”), dated March 29, 2017, of our Decision mailed January 30, 2017 (hereinafter “Decision”). In the Decision, we affirmed the Examiner’s rejection of claims 1–4, 6–10, 12–21, 23, and 25–31 and reversed the Examiner’s rejection of claims 5 and 22.

## DISCUSSION

A request for rehearing is limited to matters overlooked or misapprehended by the Panel in rendering the original decision. *See* 37 C.F.R. § 41.52; *see also Ex parte Quist*, 95 USPQ2d 1140, 1141 (BPAI 2010) (precedential) (quoting Manual of Patent Examining Procedure (MPEP) § 1214.03). It may not rehash arguments originally made in the Brief, neither is it an opportunity to merely express disagreement with a decision. It may not raise new arguments or present new evidence except as permitted by paragraphs (a)(2) through (a)(4). *See* 37 C.F.R. § 41.52. The proper course for an Appellant dissatisfied with a Board decision is to seek judicial review, not to file a request for rehearing to reargue issues that have already been decided. *See* 35 U.S.C. §§ 141, 145.

The instant Request does not identify any matters overlooked by the panel. *See generally* Request. Rather, the Request merely repeats the arguments from the Appeal and Reply Briefs, and alleges that we misapprehended the arguments because we were not persuaded by them. *See id.* For example, Appellants contend that we misapprehended “Appellant’s arguments about how McDonald in view of ‘Meadows fails to disclose or even suggest selecting a subset of electrodes from a plurality of electrodes as sense electrodes, wherein the sense electrodes are symmetrically arranged relative to the first subset of electrodes selected as stimulation electrodes.” *Id.* at 2. However, these arguments are addressed on pages 4–5 of the Decision, as noted by Appellants (*id.* at 2–3), where we explained that Meadows shows subsets of electrodes arranged symmetrically in Figure 3A and that these subsets are necessarily selected for each embodiment.

As the Request is directed to matters already decided and does not identify any matters overlooked or misapprehended by the Panel, we maintain our decision in this appeal.

DECISION AND ORDER

We grant the Request to the extent that we have considered the arguments pertaining to matters allegedly overlooked or misapprehended, but otherwise deny the Request.

DENIED